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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ADOLFO RODRIGUEZ-GUZMAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-70747

Agency No. A079-636-257

MEMORANDUM^{*}On Petition for Review of an Order of the
Board of Immigration AppealsSubmitted February 18, 2009^{**}

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Adolfo Rodriguez-Guzman, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

the agency's physical presence determination, *Ibarra-Flores v. Gonzales*, 439 F.3d 614, 618 (9th Cir. 2006), and we deny the petition for review.

Substantial evidence supports the agency's determination that Rodriguez-Guzman did not meet the requirement that he demonstrate ten years of continuous physical presence. *See* 8 U.S.C. § 1229b(d)(2) (departure for any periods exceeding 180 days in the aggregate breaks continuous physical presence).

PETITION FOR REVIEW DENIED.